

HONORABLE RICARDO S. MARTINEZ

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

DERICK D'HAITI,

Plaintiff,

vs.

PHILIPS NORTH AMERICA LLC d/b/a
PHILIPS HEALTHCARE, a Delaware
limited-liability company; JONES LANG
LASALLE AMERICAS, INC., a Maryland
Corporation; ABM INDUSTRIES
INCORPORATED, a Delaware corporation;
ABC Company and XYZ Company,
Defendants.

NO. 2:20-CV-00358-RSM

SECOND STIPULATED MOTION TO
AMEND ORDER SETTING TRIAL
DATE AND RELATED DATES

Motion Date: July 2, 2021

STIPULATED MOTION

Defendants Philips North America LLC (“Philips”), Jones Lang LaSalle Americas, Inc. (“JLL”), and ABM Industries Inc. (“ABM”), together with Plaintiff Derick D’Haiti (collectively referred to as “the Parties”), by and through the undersigned counsel of record, stipulate and move that the deadlines set by the Court’s Order Granting Stipulated Motion to Amend Order Setting Trial Date and Related Dates (Dkt. 38, Mar. 9, 2021) should be amended to postpone the

1 Trial Date & Related Dates until January 31, 2022. This Motion is made pursuant to LCR 10(g),
2 stipulation of the parties, and the following facts and argument.

3 Plaintiff in this matter alleges that on December 24, 2018, while working at a Philips
4 building, he slipped and fell on a freshly waxed floor and sustained injuries that he attributes to
5 Defendants' negligence. Dkt. 1. On August 8, 2020, Plaintiff amended his complaint to include
6 two additional defendants, Jones Lang LaSalle Americas Inc. and ABM Industries Incorporated.
7 P. First Amended Complaint, Dkt. 17.

8 On November 25, 2020, due to delays not reasonably within the control of any party, the
9 parties stipulated to amend the Court's original Order Setting Trial Date and Related Dates (Dkt.
10 11, Apr. 24, 2020) by extending the trial date and related deadlines by four months (Dkt. 29,
11 ordered by Dkt. 30). In an attempt to minimize the delays, the parties have stipulated to various
12 additional extensions over the course of this litigation: once to amend the deadline to join
13 additional parties (Dkt. 13, ordered by Dkt. 14); once to extend the deadline to amend Plaintiff's
14 complaint (Dkt. 15, ordered by Dkt. 16); once to extend the deadline for expert witness disclosure
15 (Dkt. 31, ordered by Dkt. 32); and once more to extend the trial date and all related dates (Dkt.
16 37, ordered by Dkt. 38).

17 Since that time, the parties made considerable progress in moving the case forward,
18 narrowing the issues before the Court, and ideally moving toward settlement. On April 2, 2021,
19 the Parties stipulated to dismiss Defendant Phillips' crossclaim against Defendant JLL (Dkt. 40,
20 ordered by same Dkt.). On May 25, 2021, the Parties stipulated to the withdrawal of prior counsel
21 for JLL and Phillips and substituted Jason E. Vacha and Reed McClure, who is now attorney of
22 record for all defendants (Dkt. 41, ordered by Dkt. 42). While the remaining parties are confident
23 that this consolidation will streamline the case and serve judicial efficiency, it also means that
24 defense counsel requires additional time for discovery on his new clients' behalf.
25

1 Therefore, in the interest of allowing each party adequate time to fully develop its case,
2 the parties stipulate to continue the trial date and corresponding case schedule. The new proposed
3 deadlines are set forth below:

4 **JURY TRIAL DATE**

January 31, 2022

5 Length of Trial

4 days

6 Plaintiff's Expert Witness Disclosure/Reports under
7 FRCP 26(a)(2) due

August 10, 2021

8 Defendants' Expert Witness Disclosure/Reports under
9 FRCP 26(a)(2) due

September 10, 2021

10 Rebuttal Expert Disclosures

October 5, 2021

11 Deadline for filing motions related to discovery.

September 9, 2021

12 Any such motions shall be noted for consideration
13 pursuant to LCR 7(d)(3)

14 Discovery completed by

September 29, 2021

15 All dispositive motions and motions challenging expert
16 witness testimony must be filed by

October 25, 2021

17 All motions *in limine* must be filed by

December 30, 2021

18 Agreed pretrial order due

January 7, 2022

19 Pretrial conference to be scheduled by the Court.

Set by the Court

20 Trial briefs, proposed voir dire questions, jury instructions,
21 neutral statement of the case, and trial exhibits due

January 20, 2022

